

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

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DEC 17 2018

U.S. DISTRICT COURT
GREENVILLE, S.C.

LESLIE JAY SHAYNE a/k/a)
Les Shayne, Petitioner)
Vs.)
)
Discover Bank,)
Defendant/Respondent)
)
)
IN RE: Leslie Jay Shayne)
a/k/a Les Shayne, Petitioner,)
)
IN THE MATTER OF CHARLOTTE)
SHAYNE, an incapacitated)
person)
_____)

REPLY TO DISCOVER BANK MOTIONS

Civil Action No: 8:18-cv-03057-BHH-KFM

The Discover Bank filed a Motion to sever and Remand, Motion to Seal and Motion to Quash. The undersigned vehemently objects to all 3, and requests a hearing with oral argument on all 3 Motions. The undersigned also requests a Pre-Trial Conference with the Judge or federal Magistrate, and would ask for that to be set up as soon as possible.

That this is a Reply and a response to the action brought in South Carolina brought by Discover Bank, which was regarding my illegally frozen assets by the Greenwood House, a nursing home located in New Jersey. The assets in question constitute all of my liquid assets saved from 38 years of practice of legal work, and all these assets were South Carolina generated and saved, and come from South Carolina, and any litigation should be in South Carolina. Also, the Court in New Jersey had no jurisdiction over me to issue an Order In that case, as I had virtually no contact with New Jersey- I had been there 3 times in the past 50 years before this litigation and issues with my Mom, and I did not contract with or have any agreement with the nursing home admittedly, and in fact, tried to remove

my Mom from there, and was illegally detained from doing such. I was also never served this Motion which resulted in the judgment itself, and the judgment was issued when I was in the hospital with my best friend who was just diagnosed as terminal with leukemia, and the Court failed to continue that case and proceeded forward and issued a judgment (for Summary Judgment), in my absence, in a matter I was not served. The other thing is that this judgment was for fraudulent conveyance- AND THERE WAS NONE- the Judge who appointed me in South Carolina did a Certification stating there was no fraudulent conveyance and the allegations were ludicrous, frivolous and ridiculous. The nursing home received judgments totaling approximately \$600,000, when their bills (including well after the filing, were only approximately \$225,000). This entire charade is a get rich quick scheme with no basis for the nursing home. This whole matter is so ludicrous because once I was illegally stopped from taking my Mom, by the nursing home, relative Lampl and her attorney and the police themselves despite the fact that I had a valid Court Order and 3 Powers of Attorneys, I HAD NO CREDITORS (hard to defraud creditors when there are none). I have accounted satisfactorily to both the Social security Administration and the Oconee County Probate Court for all funds of my Mom.

Lampl, the relative operating under illegal Powers of Attorneys for several years, has spent around \$1,000,000 of my Mom's lifetime savings and assets, depleting her to ZERO. She has never accounted for that, my Mom's Court appointed attorney never made one inquiry about that, and the spending was ALL UNNECESSARY. I was offering my Mom a 3 bedroom 2 bath home- a beautiful ranch home, landscaped, FOR FREE, and could provide the 24/7 caregivers for a much lower amount than New Jersey. The greedy nursing home, which has lied, cheated and ignored their own caregivers' expert Certification that placing my mom in Greenwood House (see Certification by Rochelle

Diggs-Exhibit 1) would put my Mom's life, limb and health in danger, and she had a 100% chance of falling, they moved her into Greenwood House anyway, putting money over my Mom's life. There were also Certifications that in the deteriorated condition and health my Mom was in, the move to the nursing home would be dangerous, and she was susceptible to illness and diseases. Both dangers have occurred. My Mom has fallen, as warned, hitting her head and receiving BLUNT FORCE TRAUMA TO THE HEAD, requiring hospitalization. She also received lacerations and stitches, also requiring hospitalizations. She also succumbed to 2 serious illnesses, both requiring hospitalizations, and the last one was 1-2 week inpatient treatment when Lampl wrote me about life support and funeral and burial arrangements. The Court ignored my requests to allow me to move my Mom into the 3 bedroom, 2 bath home with caregivers, and I would have provided MUCH BETTER CARE THAN LAMPL AND THE NURSING HOME PROVIDE. In addition to collecting probably in the neighborhood of \$750,000- \$1,000,000 for my Mom's care, which has been grossly deficient and negligent and now has her pounding her head into the floor and contracting serious bacterial infections, and also has rendered her blind. I would like to provide this Court a brief history of this matter, so it will have a general understanding of the facts of this case and what has and what is occurring here.

HISTORY

The history of this matter will read like a 60 minutes or 20/20 story, because it is (and may be some day). It is a tragic story, but true, and it is the worst travesty of justice and miscarriage of justice I have ever been aware of.

I am a 63 year old attorney, living and practicing in Walhalla, SC, and I have practiced for 38 years. I think during that time I have developed a pretty good reputation

for working hard, and diligently and zealously representing my clients. I think I have also developed a reputation for truth and honesty, as contained in Certifications done by one retired Judge and the sitting Probate Judge of Oconee County, in Certifications filed with the New Jersey Courts.

My Mom, Charlotte Shayne, is now 96 years of age. She lived in South Carolina for 30 years and has many substantial ties to this state. In 2004, she moved to New Jersey, which turned out to be the biggest mistake of her life and her downfall, both financially and physically.

When I took care of her in South Carolina, she was in perfect shape- she walked 1-2 miles per day, she had a sharp mind (we scrabbled and hit 600-700 games about every time), she had no problem sleeping, and her eyesight, after I took her to Emory University for treatment (16 hour round trip), was 30/20- better than perfect, and she had 10 and 12 eye pressure, and she had NO MEDICAL PROBLEMS AND TOOK NO MEDICATION FOR ANY PROBLEMS. Now- she has horribly deteriorated under the care of Sondra Lampl, a niece, and the facilities (Abrams House- an assisted living facility with a nurse, owned by the Greenwood House) and the Greenwood House- nursing home where she presently resides), and she is non-ambulatory, she has horrible dementia- she doesn't know who my Dad/her husband was, she is blind, she does not get adequate sleep and according to caregivers for an extended period of time got no sleep, which has caused the serious deterioration of her dementia, she has severe Parkinson's, was never properly treated for stress or inability to cope, etc. This is all due to inadequate and improper treatment, and I have medical support for that. I have attached as Exhibit 2 a chart for you to show my Mom's condition under me and the condition after care by Lampl and the facilities, as well as the Dr. Billy Campbell Certification which verifies what I have stated above.

Sondra Lampl, my Mom's niece who has been my Mom's mentor and was operating under ALLEGED powers of attorney (both durable and medical), in actuality, had and has neither. Her alleged Medical Power of Attorney was merely a Living Will and did not comply with either New Jersey or South Carolina law, and her alleged Durable Power of Attorney did not comply with either State's statutes and was legally insufficient and invalid as well. The only Court to hear that issue-the South Carolina Court, found both documents legally insufficient and non-compliant with either state's laws, and found she did not possess a valid power of attorney, durable or medical, at all. OF COURSE, THE NURSING HOME GLADLY HONORED THEM ANYWAY , AS THEY COULD THEN RETAIN MY MOM AND MAKE MORE MONEY- AND DID NOT HONOR MY POWERS OF ATTORNEY-ALL 3 VALID- NOR MY COURT ORDER.

My Mom arrived in New Jersey in perfect shape. Sondra Lampl, a niece of hers who had only visited one time in the 30 years she was in South Carolina, was her mentor and advisor in New Jersey. At the time she moved to New Jersey, my Mom began having problems coping with everything (opening mail was a traumatic event for her) and I was beginning to get her treatment at the time she moved to New Jersey. Lampl was advised that she definitely needed treatment for this stress and inability to cope, and refused to get treatment. A medical expert (Dr. Campbell) said that it is a commonly recognized fact that stress causes or exacerbates medical problems, and in my Mom's case, to a reasonable degree of medical certainty, her medical problems she has now were caused or exacerbated by Lampl not getting this necessary treatment. Her medical condition has deteriorated tremendously since coming to New Jersey, and she went from ambulatory to non-ambulatory, no sleep problems to little to no sleep and ineffective treatment for that, a sharp mind to severe dementia, now not even remembering her husband (and definitely

the worsening caused by lack of sleep), better than perfect eyesight to legally blind and probably completely blind (she's been keeping her eyes closed), due to inadequate treatment, and then non-compliance by Lampl and the nursing home, no signs of Parkinson's to advanced Parkinson's etc. Her medical condition has been obliterated under the care of Lampl and the assisted living/nursing home, and while they conveniently blame old age, she was old when I cared for her and she was in perfect health, and there is medical proof and documentation that the deterioration is due to improper and inadequate care in many respects.

About 2-3 years ago, Lampl called me and asked for help with my Mom's finances. It took about 1 minute, based upon questions by me and use of a calculator, to figure out that Lampl was spending at that time \$162,000 on my Mom's care (although she had no idea how much she was spending). That number swelled to \$300,000 per year. My Mom had started falling, and caregivers were needed. Because of her lack of sleep, 24/7 caregivers ended up being needed and they were necessary to prevent her from falling. She's had those for about 3 years.

After not getting cooperation from Lampl and her apparently changing her mind after she agreed to my Mom coming to live in South Carolina in the beautiful 3 bedroom, 2 bath home in South Carolina she had lived before, with 24/7 caregivers I was going to provide. and for me to properly care for her, as I did before, I filed an action for Conservatorship and Guardianship in South Carolina. The South Carolina Court clearly had jurisdiction under the Substantial Connections and Substantial Ties doctrine (Charlotte lived there for 30 years- most of her adult life and 3 times as long as New Jersey), she had by far her closest living relative there- her son, and only child, she had bank accounts, friends there, and she had a house she previously lived in waiting for her in South Carolina

to live in). The Court was concerned about Ms. Lampl's excessive spending and her depleting Ms. Shayne's assets, and Ms. Shayne's significantly diminishing health, and issued a Temporary Order appointing me Conservator and Guardian over her. Armed with 3 Powers of Attorney and a Court Order appointing me Conservator and Guardian, I went to New Jersey to pick my Mom up and was met with resistance from the assisted living facility, Lampl and her attorney, and then the police. They attempted to arrest me for kidnapping. They physically prevented me, ILLEGALLY and without any authority from any Court, from taking my Mom home. They violated the Full Faith and Credit Clause and the United States Constitution, as well as the South Carolina Order.

I returned to South Carolina and a Final Order was issued appointing me as Conservator and Guardian for her on July 28, 2017 (copy attached as Exhibit 4). The Court had appointed a Guardian Ad Litem/ Attorney for Ms. Shayne, Charlotte was served the pleadings and notice of the hearing, there was an abundance of testimony and evidence presented, all of Ms. Shayne's legal rights were protected, and the Court ruled that I was an EXCEPTIONAL CAREGIVER for my Mom, that I was well qualified to be her Guardian and Conservator, and that my appointment was clearly in my Mom's best interest. The Court found my plan for care for my Mom a good solid plan and in her best interest and found Lampl's financial management deficient and her spending outrageous and unnecessary and her plan of care ill advised. They also issued a pick up order.

My experience with the New Jersey Court system has been abysmal- just one miscarriage of justice after another- and I have lost about 30 Motions in a row in the New Jersey Court system. Judge Innes- the Judge on all of those except a few recently, was the presiding Judge- on both the Guardianship action and the civil trial actions. He was biased and bigoted and he exhibited his bias and prejudice openly and blatantly. I did not win a

single Motion in front of him. He made inappropriate comments about South Carolina, threatened me with attorney grievances and I told him he was subject to the Code of Judicial Conduct, and even after that he continued to preside and failed to recuse himself, made up unfound findings of fact which had no basis in fact at all, did not care if I was served or not and proceeded forward anyway, and refused to schedule or hear my Motions. He denied my standard discovery, did not make Lampl provide an accounting after spending about \$1,000,000 of my Mom's money (even though New Jersey statute required her to provide an accounting- The Judge violated the law) or her medical records, unjustly accused me of lying in the SC Petition, which in itself was a lie (and refuted by a Certification by the South Carolina Judge), personally went to the Clerk's office to block me from filing papers and struck my pleadings without a Motion filed or my having an opportunity to be heard. He accused me of lying, brought up on his own, in the middle of an unrelated Motion hearing, and it was a false accusation, and a very weak attempt to discredit me, but that also made him an adversary instead of an impartial judge. He allowed a Court appointed attorney for my mom to continue to serve after repeating the lies of the nieces' attorney (proven in writing to be lies), refusing to even meet or speak to me, discarding ALL of my evidence, etc. Judge Innes' jurisdictional ruling on the Guardianship case was made by him when he did not even read the Order he was deciding on or ANY of my evidence. He allowed cases to proceed forward when I was not served, and in which the Greenwood House's own Proof of Service had them serving what I believe is an empty lot owned by the City, next to Arby's. We made 2 Motions to Recuse, of course all denied by him, and he refused to issue an Order for 5 weeks after the Return date and denied a continuance so I COULDN'T APPEAL ON THE RECUAL BEFORE THE FINAL GUARDIANSHIP HEARING. I DID NOT EVEN SHOW UP FOR THAT AS IT WAS A 0% CHANCE

OF WINNING ANYTHING IN FRONT OF THIS JUDGE, and he completely took away my ability to prepare for the case by denying any and all discovery requests by me, but I issued a letter stating that I contested the jurisdiction of the Court and the legitimacy of this particular Court- it was a total 100% joke and complete travesty of justice. And so that's how the New Jersey proceedings have been. The opposing attorneys continuously lie, over and over again, but in New Jersey, not only are they not sanctioned or punished by the Court for lying, they are rewarded for that. It is a very corrupt system. It was a nightmare and I couldn't even win a single Motion and the other side won every Motion they made—I lost more Motions in this case than in 38 years of practicing law- multiplied by about 10. The conduct of the Judge certainly is an issue, and one reason I cannot return to New Jersey and expect fair proceedings, as it hasn't happened yet. All one can expect are fair proceedings, and that has not and will not occur in New Jersey, and I would beg this Court to take charge of these proceedings and afford everyone a fair and just proceeding, as I would expect this Court to afford everyone. Discover Bank should not take a position either way on that and certainly should not insist on one jurisdiction over another- the South Carolina Court should decide that issue, and since the assets are from South Carolina and I contend the South Carolina Court had jurisdiction over the Guardianship proceedings and the New Jersey Court had no jurisdiction over me regarding the current alleged judgment, and it did not have jurisdiction in the Guardianship case (the South Carolina proceedings had already finished before Lampl legally filed in New Jersey), the South Carolina Court should preside over these proceedings, and afford fairness and justice for all.

The case resulting in this alleged judgment is a case brought by the nursing home against my Mom, Charlotte Shayne and myself. There were 3 causes of action- Count 1-

breach of contract- Count 2- involving monies held in escrow- my Mom's funds from a bank account (now moot), and Count 3- fraudulent conveyance. Count 2 is moot and I was not involved in Count 1 because I never did contract with or agree to pay Greenwood House, and in fact tried to move my Mom from the nursing home to South Carolina, armed with a COURT ORDER from South Carolina and 3 separate Powers of Attorney, and was illegally prevented from taking her and they tried to arrest me for kidnapping.

Anyway, regarding this alleged judgment, a hearing was scheduled for October 9 in Trenton. I wrote to the Court beforehand and asked for a continuance, and did note that I knew the Court was hearing several of my Motions, but I did not see any nor was I aware of any Motions filed by the Greenwood House which were pending, and did not know what Motions of theirs were hearing. Anyway, shortly before the scheduled hearing, my best friend, who was suffering from leukemia, had a sudden downward turn in her condition, and she was diagnosed as terminal. As her best friend, Power of Attorney and Personal Representative of her estate, I HAD to be at the hospital, and I was the only one she told of her serious illness (she's a very private person). I wrote to the Court 2 times regarding this emergency situation and asked for a continuance based on this extreme emergency. I heard nothing back and was basically at the hospital all day every day, and checked my office on October 10 in the early morning, and noticed something in my fax machine. It was a judgment against me for approximately \$191,000 for fraudulent conveyance, obtained based upon a Motion for partial Summary Judgment. My friend survived that week and I found out that this was based upon a Motion by Greenwood House that I had never received AND WAS NEVER SERVED. This had happened before throughout this case- and I have constantly been fighting from behind and an uphill battle- the Plaintiff has served me at a farm field fence in a pasture, a rental house and the house my Mom used

to live in and I am holding for her now that I never lived at and never received mail at, and never gave that address out to anyone to serve anything to (nor did I give any of these addresses to serve papers to), my office street address which has no mailbox and cannot receive mail and. lastly, their Proof of Service on a previous Motion of Consolidation and Sealing the record had them serving what I believe is an empty lot owned by the City across from Arby's. I never got or saw the Motion. I immediately did a Motion to Vacate and a Motion for Reconsideration in the alternative. I subsequently made an Emergent Motion to Strike their cause, or for the Court to continue the hearing, order them to serve me, and have an opportunity to review and respond. I never saw the Motion and attachment (170 pages) until it was handed to me the night before the hearing, and I did not have time to respond. The Court denied all my Motions. I did submit 2 Certifications from me and could not respond to or review their Motion and Attachments, and also I did not have time to get the transcript from a hearing in April in which Greenwood House admitted that I did not contract with them or obligate on behalf of my Mom or myself to them in any manner, and that I was not responsible for my mom's bill to them (there was a delay because the case was sealed- done when they served an empty lot). The nursing home tacked on an additional \$80,000 in attorney's fees and over \$7,000 in costs- JUST FOR THAT ONE CAUSE OF ACTION.

I vehemently object to this judgment and am appealing. I NEVER DID FRAUDULENTLY CONVEY ANYTHING. I was appointed as Conservator and Guardian of my Mom by the South Carolina Probate Court in February 2017 (Temporary Emergency Appointment) and at all times have acted responsibly and prudent in protecting and attending to her assets. My Mom's niece, acting under a purported Medical Power of Attorney and Durable Power of Attorney in New Jersey, has supervised the complete and

utter destruction of my Mom's health (she is a horrible and negligent caregiver), and she unnecessarily and recklessly spent \$1,000,000 of my Mom's assets-her lifetime savings. I have accounted for the proper spending and management of my Mom's money to the Probate Court of Oconee County , SC and also to the Social Security Administration (I am her Representative Payee) and the latter issued a letter that I have appropriately managed my Mom's money (Exhibit 5). THE PROBATE JUDGE ISSUED A CERTIFICATION that the allegation of fraudulent conveyance was ludicrous, ridiculous and false (Exhibit 6), and also verified I had done a complete accounting to the satisfaction of the Court. I also did an Accounting which was filed in New Jersey (Exhibit 7).I had Certifications from individuals who said I was the most honest person they've ever known, and the Court even waived bond for me because of my reputation for truth and honesty. I ABSOLUTELY DID NOT MAKE A FRAUDULENT CONVEYANCE. THERE IS NO EVIDENCE I DID ANYTHING FRAUDULENTLY. In fact, the money was to be used for my Mom's care at the house I was providing to her for free in South Carolina (a 3 bedroom 2 bath brick home), and the cost of the caregivers. Once I was denied taking her, I HAD NO CREDITORS. SO HOW COULD THERE BE FRAUDULENT CONVEYANCE? The transfers to secure and protect my Mom's assets, done under a Court Order, were done even before the Greenwood House's actions and for bills that were not even incurred yet. The action by Greenwood House was filed in July- well after I received my Mom's monies in March. There were transfers of money- as all Conservators do, but nothing fraudulent. An accounting of the funds is done, and attached as Exhibit 7. The day of or after the hearing, the Greenwood House apparently sent a letter to Discover Bank asking to freeze all my accounts- and I received no notice or anything- I think this was clearly done illegally, and I only found out when I called Discover to get some money- and they froze ALL MY PERSONAL ACCOUNTS- almost \$300,000 worth

of funds- all my earnings and savings from 38 years of practicing law. They did not send me any type of notice- and they did not register this “freeze” or any Orders, none of these assets were my Mom’s and all monies frozen were generated in and from South Carolina, and sent to the banking institution from South Carolina.

I am appealing this fraudulent conveyance on several grounds. First and foremost, there was no fraudulent conveyance. While transfers were made, they were done with the sole intent to preserve and protect my Mom’s money after Sondra Lampl, the niece, has spent \$1,000,000 of my Mom’s money and has extinguished all my Mom’s assets, and for what I had hoped for to be for the 24/7 caregivers she desperately needed. Standing, the amount of the judgment, attorney’s fees, jurisdiction- they will all be issues.

That requests were made with Discover Bank to release my funds to me, as they were improperly frozen. I was never notified by anyone about the freeze- I found out when I tried to get some money- as Discover was holding ALL of my personal cash holdings consisting of savings from 38 years of hard work. My office account was included in the freeze. Checks written from several accounts bounced. They also froze about \$100,000 more than the judgment. There was no recording of the judgment in South Carolina, no proper procedure was followed, there was no writ of attachment- nothing. Discover Bank never did reply or respond at all, and about 3 or 4 weeks went by. I had no money to pay bills or survive- it was all frozen.

That the South Carolina Court issued an Order on October 17, 2018 ordering the Discover Bank to immediately unfreeze and return my assets they were holding (Exhibit 8). This Order was served on their listed agent for service of process. They did not respond at all and took no action- so they were ruled in for contempt. A hearing was set and they did not respond again or attend the hearing. The Court held them in

Contempt and issued sanctions (Exhibit 9). Again this Order was served. In all cases, it was served upon their listed agent for service of process in South Carolina and well as being sent to and faxed to their offices in Salt Lake City, Utah, and they acknowledged that they received.

After sanctions were issued, the Discover Bank filed a Motion to Stay the Sanctions, and before I was served or had an opportunity to respond or be heard, the attorney for Discover Bank and the Court had an improper ex parte communication and a Stay Order (Exhibit 10) was unethically, illegally and improperly obtained and signed. Immediately, the Discover Bank filed 2 federal actions, and hid behind those to prevent that illegal stay from being corrected. This was a matter pending and an order improperly and illegally Issued BEFORE any federal litigation was pending- and this was illegal, unethical and wrong- and I would seek a stay and permission to correct this Stay Order (at least this one issue) issued BEFORE federal litigation, from this Court.

That the issue of the money being frozen and returned to me immediately is and was proper to be heard by and in the Court that appointed me- the SC Probate Court. An Order was issued- and This Order should stand and be allowed to proceed forward with that Court and no outside interference. If there is an Interpleader, however- THIS SHOULD BE IN THE SOUTH CAROLINA COURT. THIS COURT SHOULD ALSO DETERMINE THAT THE SOUTH CAROLINA PROBATE COURT PROPERLY HAD JURISDICTION TO HEAR THIS MATTER AS IT WAS THE COURT THAT APPOINTED MR. SHAYNE AND HE WAS ACTING UNDER THE SOUTH CAROLINA COURT ORDER.

THIS COURT SHOULD ALSO HEAR THE GUEARDIANSHIP JURISDICTIONAL DISPUTE- WE HAVE 2 CONFLICTING ORDERS FROM 2 DIFFERENT STATES- IT IS CLEAR THAT SOUTH CAROLINA HAS JURISDICTION AND HAD PROPER JURISDICTION AND ITS ORDER

RECOGNIZED, AND THIS COURT SHOULD HEAR THAT MATTER. A MOTION OR SEPARATE ACTION WILL BE BROUGHT IN THAT REGARD. THE SOUTH CAROLINA COURT CLEARLY HAD JURISDICTION UNDER THE DOCTRINE OF SUBSTANTIAL TIES (WE MET EACH AND EVERY CRITERION)- AND ISSUED ITS ORDER BEFORE LAMPL EVEN FILED HER ACTION. UNDER SUBSTANTIAL TIES (WE MET EACH AND EVERY CRITERION), THAT LAMPL WAS NOT ENTITLED TO NOTICE AS NEITHER OF HER POA'S WERE LEGALLY VALID IN EITHER STATE, AS FOUND BY THE COURT, THAT LAMPL SUBMITTED TO THE JURISDICTIONN OF THE SOUTH CAROLINA COURT ON 5 OCCASIONS, AND THE SOUTH CAROLINA COURT RULED ON THE JURISDICTIONAL ISSUE ON 3 SEPARATE OCCASIONS, AND THAT THE NEW JERSEY COURT HAD NO JURISDI(CTION TO HEAR THE GUARDIANSHIP ACTION IN NEW JERSEY, AND THIS COURT SHOULD ALSO HEAR THE JURISDICTIONAL CLAIM WITH REGARD TO THE CIVIL JUDGMENT ISSUED HERE-THE COURT WHICH ISSUED THE JUDGMENT AGAINST ME IN THE CIVIL CASE HAD NO JURISDICTION OVER ME IN THAT CASE- AND IT WAS A FRIVOLOUS DECISION WHICH IS BEING APPEALED. I have been the victim of a totally corrupt New Jersey system and the assets here were illegally frozen and should be released to me immediately per the South Carolina Probate Court Order.

There are several separate and distinct issues here. The issue it appears that the Discover Bank comes to you about is regarding the unfreezing of the money and the return of the money to me. This is totally different than who is entitled to the money. This Court should hear the issue about the improper freeze and determine, after a full hearing, that the accounts were improperly frozen and should be immediately returned to me. There was no recording of any New Jersey Order In South Carolina. There was no writ of attachment or execution by our Sheriff. It is my understanding that the purpose of the freeze was to secure my Mom's assets that Greenwood House thought I was holding; BUT

NONE OF THESE ARE MY MOM'S ASSETS. They are at other institutions- and these are not my Mom's. They are my office account, my personal checkbook, and my lifetime savings. I would ask this Court to unfreeze my assets. It is also making a very unfair playing field with ALL my savings and assets frozen.

With regard to who eventually will get this money, that is a separate and distinct issue, because I am challenging jurisdiction over me in that case in the first place, and I think that I have an extremely strong case that the New Jersey court had no jurisdiction over me- I had NO CONTACTS WITH THE STATE (I believe I visited three times in 50 years, which is way, way less than even minimal ties), and I did not contract with or have any agreement with the Greenwood House for payment and tried to remove my Mom from New Jersey and take her home. The Greenwood House acknowledged, on the record (to be produced- transcript ordered) that I did not contract with them, agree to in any manner, or are responsible for their bill. In addition, plain and simple, there was no fraudulent conveyance. THERE WERE NO CREDITORS. THIS CASE WILL BE APPEALED AND IT WILL PROBABLY BE AN EXTENDED TIME BEFORE ANY FINAL DECISION; SO THE MONEY SHOULD NOT BE TIED UP AND FROZEN THIS ENTIRE TIME. The Greenwood House has spent this whole case, from the beginning, trying to grab money and assets. This Court should deal with the freeze, and either let the Probate Court finish dealing with that and put an injunction on any outside interference by any Court or deal with the freeze issue itself. It should also be noted that the initial freeze paperwork had a judgment for \$191,000 and nearly \$300,000 of my assets were frozen- so nearly \$100,000 was a totally improper freeze. You can't just hold money and wait- there is no such thing as a pre-freeze.

Also, if there is an Interpleader, I would ask this Court be the Court to hear the Interpleader action, on several basis', including that the funds are totally South Carolina

funds. I would also seek for this Court to make a determination as to whether New Jersey had jurisdiction over me to hear the collection case, and I contend it did not, and to decide between the 2 jurisdictions about the Guardian action, which I contend is clearly South Carolina for many, many reasons, and that New Jersey did not and never had jurisdiction over that. For all these reasons, I would ask the Court to reject the relief sought by the Discover Bank. I would ask for an immediate pre-trial conference with the federal magistrate or judge to discuss this case further, to be scheduled as soon as possible. I will be making additional Motions and filings shortly, and I would ask this Court to hold this case open without any action until then.

If this Court does not protect its citizen against the corrupt, bigoted, biased and unjust New Jersey system, then the corrupt people and system in New Jersey will then have successfully illegally violated the United States Constitution in initially preventing me from taking my Mom home with 3 Powers of Attorney AND a Court Order, the nursing home and Lampl holding her there with no valid powers of attorney or Court Order, and then not honoring my valid POA's and Court Order, honoring an incorrect decision by a corrupt, incompetent, bigoted, biased judge who did not even read the Order he was deciding upon nor any other of my evidence before making a bad decision on jurisdiction, the nursing home and Lampl ignoring the Certification of My Mom's everyday caregiver stating the move to the Greenwood House and removing my Mom's 24/7 caregivers would put her life, limb and safety in danger, then her suffering BLUNT FORCE HEAD TRAUMA, and lacerations and cuts as a result, as well as life threatening illnesses. Lampl spending about \$1,000,000 of my Mom's assets and the nursing home collecting a great majority of that and both exhausting all my Mom's assets, then taking away her 24/7 caregivers which were necessary to prevent her from falling, causing her BLUNT FORCE HEAD

TRAUMAS AND LACERATIONS AND CUTS REQUIRING SUTURES (at age 96), and her contracting very serious infections and illnesses and now, after they've collected \$1,000,000 from my Mom, trying to extract another \$300,000 from me for fraudulent conveyances when there were no fraudulent conveyances, no creditors , when ALL FUNDS WERE ACCOUNTED FOR TO THE COURT AND THE SOCIAL SECURITY ADMINISTRATION, and when they didn't even serve the pleadings on me and had the hearing when I was in the hospital with my terminally ill friend. I would urge this Court to not allow this New Jersey injustice and this travesty of justice to continue, and either uphold the Probate Court's ruling of the illegal freeze of my lifetime savings from South Carolina, and order Discover Bank to return it immediately, or order any interpleaders to be done, involving South Carolina assets, to be done in South Carolina, and hear the other jurisdictional claims and retain jurisdiction over them. I vehemently object to the Discover Bank's Motions and again ask for a pre-trial conference to be scheduled. Therefore, I would urge that the Plaintiff's Motions be denied and/or stayed and the jurisdiction of this Court continue, as it was Discover Bank who filed this action as well.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Les Shayne", written in black ink.

**Leslie Jay Shayne a/k/a Les
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Walhalla, South Carolina 29691
Tel: 864 638-5146**

**December 15, 2018
Walhalla, South Carolina**